

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

IN THE MATTER OF:)

COMPLAINT C2012-106)

State Ethics Commission,)

Complainant;)

vs.)

Mason B. Hardy,)

Respondent.)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on March 15, 2012. On May 16, 2012, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging Respondent Mason B. Hardy with a violation of Section 2-17-30, and probable cause was found.

Prior to the call of the case, Respondent Mason B. Hardy agreed to entry of the following statement of facts, conclusions of law, admission, and disposition in this matter as follows.

FINDINGS OF FACTS

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. In 2010 the Respondent, Mason B. Hardy, registered as a lobbyist for the SC Association of Nonprofit Organizations for calendar year 2010. Respondent was required to file two disclosure reports during the calendar year. First period disclosure was timely filed.

2. By letter dated December 30, 2011, Respondent was advised that his Lobbyist Disclosure statement (LD) had not been received and a late filing penalty was being levied. By certified letter dated January 30, 2012, Respondent was served a Cease and Desist order.

By certified letter dated February 6, 2012, Respondent was advised that the late filing penalties were increasing daily. By letter dated March 15, 2012, Respondent was advised that a complaint had been filed against him.

3. Respondent advised that he ceased to work for the lobbyist's principal in April 2010; however, neither he nor the principal terminated their lobbying registrations. On April 17, 2012 Respondent complied by filing the LD.

4. Respondent filed his LD on the same day that he received actual notice of the issue.

5. The written notices referenced in Paragraph 2 were mailed to Respondent's previous employer, and Respondent advised that he was not contacted by his previous employer about this matter.

6. Respondent acknowledges that it was solely his responsibility to ensure that his final LD was timely filed, and it appears that this matter is the result of a good faith mistake that was remedied immediately upon Respondent's actual receipt of notice of the issue.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Mason B. Hardy, was a registered lobbyist as defined by Section 2-17-10(13).

2. The State Ethics Commission has personal and subject matter jurisdiction

3. Section 2-17-30(A) provides:

Each lobbyist, no later than June thirtieth and January thirty-first of each year, must file a report with the State Ethics Commission covering that lobbyist's lobbying during that filing period. The filing periods are from January first to May thirty-first for the June thirtieth report, and are from June first to December thirty-first for the January thirty-first report. Any lobbying activity not reflected on the June thirtieth report and not reported on a statement of termination pursuant to Section 2-17-20.

4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

DECISION

THE STATE ETHICS COMMISSION hereby finds Mason B. Hardy in violation of Section 2-17-30 of the Ethics Reform Act, and hereby adopts the Statement of Facts, Conclusions of Law, Admissions, and Disposition as agreed upon by Mason B. Hardy.

THEREFORE, the State Ethics Commission hereby issues this written warning to Mason B. Hardy for his violation of Sections 2-17-30,

AND, orders that Mason B. Hardy be diligent in complying with the lobbying disclosure rules of the Ethics Reform Act if he should register as a lobbyist in the future,

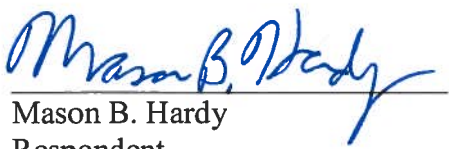
AND, orders Mason B. Hardy to pay the reduced late filing penalty of \$100.00 within thirty days of receipt of the signed order or the amount will revert to the \$5,000.00 penalty,

AND IT IS SO ORDERED THIS 2ND DAY OF August 2012.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIR



Mason B. Hardy
Respondent

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